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17 *Attorneys for Plaintiffs*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

13 LANDRY'S, INC., a Delaware corporation;
14 CLAIM JUMPER ACQUISITION
15 COMPANY, LLC, a Nevada limited liability
16 company; BUBBA GUMP SHRIMP CO.
17 RESTAURANTS, INC., a Delaware
18 corporation; NEVADA RESTAURANT
19 SERVICES, INC. d/b/a DOTTY'S GAMING
20 AND SPIRITS, a Nevada corporation;
21 NEVADA RESTAURANT SERVICES, INC.
22 d/b/a LAUGHLIN RIVER LODGE, a Nevada
23 corporation; NEVADA RESTAURANT
24 SERVICES, INC. d/b/a HOOVER DAM
25 LODGE, a Nevada corporation,

Plaintiffs.

21 ||

22 BRIAN SANDOVAL, in his official capacity as Governor of the State of Nevada; SHANNON
23 CHAMBERS, in her official capacity as Labor Commissioner of the State of Nevada, AMY L.
24 PARKS, in her official capacity as Acting Insurance Commissioner of the State of Nevada,

25 Defendants.

Case No. 2:15-cv-01160-GMN-PAL

**PLAINTIFFS' EMERGENCY
MOTION TO EXTEND DEADLINE
TO FILE A SECOND AMENDED
COMPLAINT**

1 Pursuant to LR 6-1, Plaintiffs Landry's, Inc., Claim Jumper Acquisition Company, LLC,
 2 Bubba Gump Shrimp Co. Restaurants, Inc., Nevada Restaurant Services, Inc. d/b/a Dotty's
 3 Gaming and Spirits, Nevada Restaurant Services, Inc. d/b/a Laughlin River Lodge, and Nevada
 4 Restaurant Services, Inc. d/b/a Hoover Dam Lodge ("Plaintiffs"), submit the following
 5 Emergency Motion to Extend Time to File a Second Amended Complaint, which the Court
 6 ordered must be filed by April 13, 2016. *See* the Court's March 31, 2016, Order (the "Order")
 7 (Dkt. 47).

8 This emergency motion is submitted and based on the following:

9 1. This is the first request for an extension of time for Plaintiffs to file a Second
 10 Amended Complaint.

11 2. Plaintiffs' Second Amended Complaint is currently due on Wednesday, April 13,
 12 2016. Thus, an expedited resolution of this matter is needed so as not to render the need for this
 13 emergency motion moot.

14 3. Lead Counsel for Plaintiffs, Elayna Youchah ("Ms. Youchah"), is and has been
 15 unavailable since Monday, April 4, 2016, and will remain unavailable for two to three additional
 16 weeks because she is and has been coping with a serious family emergency.

17 4. Specifically, Ms. Youchah's mother, a recent widow, suffered from a severe
 18 medical condition on April 4, 2016, which required the care, attention, and support of Ms.
 19 Youchah.

20 5. Unfortunately, Ms. Youchah's mother passed away on April 6, 2016. As a result,
 21 Ms. Youchah will remain unavailable for the next two to three weeks as she grieves the loss and
 22 handles all arrangements.

23 6. That same day, April 6, 2016, Deverie J. Christensen, Office Managing Principal
 24 for the Las Vegas office of Jackson Lewis, P.C., immediately called Defense Counsel to apprise
 25 them of the situation and request that they stipulate to an extension of the deadline to file a
 26 Second Amended Complaint. Defense Counsel was unavailable, so Ms. Christensen left
 27 messages.

28

1 7. The following morning, April 7, 2016, Melissa L. Flatley, counsel for Defendants
 2 Brian Sandoval and Shannon Chambers, returned Ms. Christensen's call and stated that she and
 3 the other Defense Counsel (all from the Nevada Attorney General's Office) would check with
 4 their respective clients regarding their willingness to stipulate to extend the deadline.

5 8. Subsequently, Melissa Flatley called and informed Ms. Christensen that
 6 Defendants were unwilling to stipulate to extend the deadline based on the medical emergency
 7 and subsequent passing of Ms. Youchah's mother.¹

8 9. Apart from recent discussions with Defense Counsel regarding the request for an
 9 extension, Ms. Christensen has had no involvement whatsoever with this matter. Additionally,
 10 associate counsel for Plaintiffs who was heavily involved in the motion work responding to
 11 Defendants' Motions to Dismiss (which resulted in the Order), left Jackson Lewis, P.C. in
 12 February of 2016.

13 10. Accordingly, Plaintiffs respectfully request the Court enter an order extending the
 14 time in which to file a Second Amended Complaint to and including Friday, May 13, 2016, to
 15 give Ms. Youchah sufficient time to return to work and prepare a Second Amended Complaint.

16 11. If the Court is unwilling to grant an extension until Friday, May 13, 2016,
 17 Plaintiffs respectfully request the Court provide a shorter extension in its discretion. However,
 18 Plaintiff anticipates than any extension consisting of fewer than 21 days will place a substantial
 19 burden on Plaintiffs' counsel and thus will prejudice Plaintiffs.

20
 21 1 Defense Counsel's position that they are bound by their client's decision is inconsistent with Nevada
 22 Rule of Professional Conduct 3.2, which states:

23 **Rule 3.2. Expediting Litigation.**

24 (a) A lawyer shall make reasonable efforts to expedite litigation consistent with the
 25 interests of the client.

26 (b) The duty stated in paragraph (a) *does not preclude a lawyer from granting a reasonable request from opposing counsel for an accommodation, such as an extension of time, or from disagreeing with a client's wishes on administrative and tactical matters*, such as scheduling depositions, the number of depositions to be taken,
 27 and the frequency and use of written discovery requests.

28 N.R.P.C. 3.2 (emphasis added).

1 12. This request for an extension of time to file Plaintiffs' Second Amended
2 Complaint is made in good faith and not for the purpose of delay.

3 Dated: April 7, 2016.

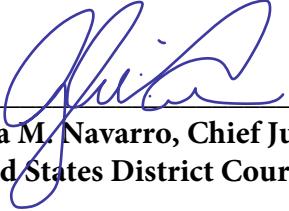
4 JACKSON LEWIS P.C.

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13 **Admitted Pro Hac Vice*
14 *Attorneys for Plaintiffs*

15 **IT IS HEREBY ORDERED** that Plaintiff shall have until Friday, May 13, 2016,
16 to file its Second Amended Complaint.

17 **DATED** this 11 day of April, 2016.

18 
19 Gloria M. Navarro, Chief Judge
20 United States District Court

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Jackson Lewis P.C. and that on this 7th day of April, 2016, I caused to be served a true and correct copy of the above and foregoing **PLAINTIFFS' EMERGENCY MOTION TO EXTEND DEADLINE TO FILE A SECOND AMENDED COMPLAINT** via the Court's CM/ECF Filing, properly addressed to the following:

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Brian Sandoval and Shannon Chambers

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Attorney for Defendant Amy L. Parks

/s/ Kelley D. Chandler
Employee of Jackson Lewis P.C.

4840-3095-0448, v. 1